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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,978	12/22/2000	Mohanasundaram Chinnappan	020431.0753	8477

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EXAMINER	
ZURITA, JAMES H	
ART UNIT	**PAPER NUMBER**
3625	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/745,978	CHINNAPPAN ET AL.	
	Examiner	Art Unit	
	James H. Zurita	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Prosecution History

The following is presented to clarify the record.

On 22 December 2000, applicant filed the instant application claiming priority to provisional application 60/235945, filed on 26 September 2000. The instant application was published on 27 June 2002 as PB-PUB 20020082932, and is related to application 09745374, filed on 22 December 2000, application 09745980, filed 22 December 2000, issued on 16 March 2004 as US Patent 6,708,161 and application 09746120, filed 22 December 2000, now abandoned.

On 6 June 2003, the Office issued a first non-final rejection. Claims 1-7, 9-16, 18-25, 27-28 were rejected as anticipated by Ebay.com. Claims 1-7, 9-16, 18-25, 27-28 were rejected as anticipated by Amazon.com. Claims 1-28 were rejected as anticipated by US 6,366,910 to Rajaraman.

On 9 September 2003, applicant amended claim 20.

On 18 November 2003, the Office issued a final rejection, over the same references as above.

On 20 January 2004, applicant filed an after-final amendment of claims 1, 9-11, 18-20, 27-28 and requested reconsideration.

On 12 February 2004, the Examiner issued an advisory action.

On 1 March 2004, applicant requested continued examination.

On 22 March 2004, the Office issued a non-final rejection, over the same references as above.

On 22 June 2004, applicant filed a response to the rejection. No claims were amended.

On 8 September 2004, the Office issued a final rejection, with the same references as above.

On 20 December 2004, the Examiner issued an advisory action.

On 1 November 2004, applicant filed a notice of appeal.

On 3 January 2005, applicant filed an appeal brief.

On 27 April 2005, the Office reopened prosecution and issued a non-final rejection of claims 1-28 as unpatentable over US 6,460,038 (Khan et al.) and 5,946,665 (Suzuki et al.).

On 8 July 2005, applicant filed a response.

On 30 September 2005, the Office issued a final rejection of claims 1-28 as unpatentable over Kahn and Susuki, as above.

On 21 November 2005, applicant filed an after-final amendment of claim 1, 5, 11 and 20, and requested reconsideration.

On 27 December 2005, applicant again requested continued examination.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 27 December 2005 has been entered.

Response to Amendment

On 27 December 2005, applicant amended claims 1-11, 16-20 and 25-28.

Claims 1-28 are pending and will be examined.

Claim Objections

The following claims are objected to because of the following informalities:

The amended claims refer to a) plurality of buyers, as in claims 1, 11 and 20. Claims 7-10, 16-19, 25-28 were amended to change a ***user*** (singular) to ***one or more buyers*** (possibly plural). The terms appear to be used in an identical manner in the disclosures. The claims will be interpreted to refer to a single user/buyer.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 5, 11, 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 11 and 20 were amended from "...organized in a hierarchy..." to "...organized using hierarchical, object-oriented classification system..." Claim 5 was amended from "...different hierarchies..." to "...different hierarchical, object-oriented classification system..."

The words "...hierarchical, object-oriented classification system" appear in paragraphs 7, 24 and 34, but applicant does not describe the terms in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant alludes to different structures available in LDAP, but does not describe implementation of each:

> [0029] GCD 42 may be implemented using the lightweight directory access protocol (LDAP). LDAP enables directories to be provided using the tree-like structure described above. However, any other appropriate technique or protocol for creating GCD 42 may alternatively be used and GCD 42 may have any appropriate structure. Furthermore, GCD 42 may be an object-oriented directory (which is also provided by LDAP) such that each class in directory structure 44 includes the attributes of parent classes in which the class is a sub-class. Therefore, a product class listed at the end of a branch of the tree structure includes all of the attributes of its parent classes in the branch. Furthermore, each product included in a database 32 may be an object that includes all the attributes of the classes in which the product is included. Thus, when a search is performed from a class at the end of a branch of directory structure 44, the search query may automatically include any appropriate attributes of parent classes of the class.

For purposes of the Examination, each type of directory structure will be interpreted as capable of being implemented with LDAP. Prior art is interpreted as reading on applicant's limitations where prior art discloses the use of LDAP.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim1, 3-11, 13-20, 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan (US 6,460,038).

As per claim 1, Khan discloses an electronic commerce system for facilitating an electronic commerce transaction (see, at least Fig. 10, item 1008, ***BUY NOW,*** Col. 13, lines 23-62), the electronic commerce system comprising:

a directory for providing a plurality of buyers (see, for example, references to users ***(pl.)*** as in Fig. 5, items 512, 514; users ***(pl.)*** that buy, such as in Fig. 10, are ***buyers***);[1]

The Examiner also notes applicant's disclaimer, paragraph [0020]:

> [0020] It should be noted that although buyers 20 and sellers 30 are illustrated as separate entities, a buyer 20 in one transaction may be a seller 30 in another transaction (and a seller 30 in one transaction may be a buyer 20 in another transaction). The terms "buyer" and "seller" may be used to refer to an individual or entity involved in a transaction and/or the computer(s) used by that individual or entity to conduct the transaction. Furthermore, although the terms "buyer" and "seller" are used, the present invention applies to any appropriate type of e-commerce transactions and is not limited to the sale of goods, services, or other items.

access (via links) to a distributed plurality of seller database***s*** (see, for Example, at least Fig. 10, plurality of sellers, such as LLBEAN, GAP, DELTA AIRLINES), each seller database***s*** associated with a corresponding seller and distinct from other seller database***s*** in the distributed plurality of seller databases (LLBEAN is a select that is distinct from other sellers such as GAP, DELTA AIRLINES, for example),

the directory comprising:

a directory structure comprising a plurality of product classes organized using a hierarchical, object-oriented classification system,(see, for example, Fig. 10) each product class categorizing a plurality of products (e.g., product class TRAVEL categorizes and defining one or more attributes of the products (e.g., product class such as CAR RENTAL, offered by a seller called AVIS; product class such as airline seats, offered by a different seller, DELTA AIRLINES);

one or more pointers associated with each product class in the plurality of product classes, each pointer identifying the seller database**s** in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, (see, for example, a pointer that is associated with a product SPECIAL FARE, item 1008, Fig. 10) the seller databases identified by the pointer being associated with its corresponding seller (i.e., TRAVELOCITY) and being distinct from the other seller databases in the distributed plurality of seller databases (TRAVELOCITY database is distinct from each of the databases of AVIS, DELTA AIRLINES, LLBEAN, LANDSEND);

interface(s) (e.g., user interface, as in Col. 2, line 65-Col. 3, line 37, for example)

operable to communicate a search query for product data to the one or more seller databases (see, for example, references to query[-ing], as in Fig. 4, item 402, Fig. 5, item 502, Fig. 6, item 602),

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[1] The Examiner notes that while Fig. 10 is entitled Lorraine's Clickmarks, Khan does not limit his e-commerce system to a single user named Lorraine, but permits access to multiple buyers, as in Col. 9, line 65-Col. 10, line 24)

identified by the one or more pointers associated with the selected product class (See, for example, Fig. 10, item 1010, which shows results of a search query to GAP, which retrieves ***cargo pants***; see also Fig. 10, item 1008, which shows results of a search query to TRAVELOCITY, and retrieves information concerning a SPECIAL FARE product),

a selection of a product class received from one of the plurality of buyers: and in response to the selection of the product class received from one of the plurality of buyers (see, for example, at least references to buyer queries, as in Fig. 4, item 402, Fig. 5, item 502, Fig. 6, item 602) communicating a search query for product data to one or more seller databases identified by one or more pointers associated with the selected product class. See, for example, results of queries, as in Fig. 10, cargo pants, special fare).

Khan ***does not*** use the term search interface. An interface is software that enables a program to work with the user (MICROSOFT PRESS Computer Dictionary). Khan discloses querying a system, as in Figs. 4-6, for example. Such searches require the use of an interface, i.e., a ***search interface.***

Khan ***does not*** specifically use the term "seller database." A database is any aggregation of data; a database is a file composed of records, each containing fields together with a set of operations for searching, sorting, recombining and other functions.[2] For purposes of this examination, the term database will be given its

[2] Definition of Database, MICROSOFT PRESS Computer Dictionary.

broadest reasonable interpretation as an aggregation of data that may include logical and physical aspects of databases, including tables, files, views, etc.

Kahn discloses that information is retrieved from companies such as DELTA AIRLINES, AVIS, etc., as in Fig. 10. The data from the sellers contain data retrieved from a seller's aggregation of data; they are the equivalent of applicant's seller databases.

Khan ***does not*** specifically state that each seller database is distinct from the other seller databases in the plurality of seller databases. Official Notice is taken that different sellers sell different products and services. For example, TRAVELOCITY often specializes in travel, DELTA AIRLINES specializes in airline seats, AVIS CAR RENTAL rents cars, GAP often sells clothing, including cargo pants.

Therefore, it would have been well within the level of one of ordinary skill in the art at the time the invention was made to combine Khan with knowledge of one of ordinary skill to disclose that each seller database is associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Khan with knowledge of one of ordinary skill to disclose that each seller database is associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases for the obvious reason that different sellers may specialize in particular industries and particular products.

Kahn does not use the term ***global content directory***. However, the labels given to various actors and modules are not functionally related to the substrate of the article of manufacture. The labels themselves carry little or no patentable weight. Thus,

this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply a label to various actors and modules in a system such as ***Kahn*** because such data does not functionally relate to the substrate of the article of manufacture and merely labeling the data differently from that in the prior art would have been obvious. See *Gulack* cited above.

The Examiner notes applicant's disclaimer, paragraph 19, which in part clarifies the use of this label:

> [0019]...Since the Internet is accessible to the vast majority of buyers and sellers in the world, the present invention potentially includes all of these buyers and sellers as buyers 20 and sellers 30 of system 10. However, the use of the term "global" should not be interpreted as a geographic limitation necessarily requiring that GCD 42 provide directory services to buyers 20 and sellers 30 around the world or that the content of GCD 42 be from all over the world.

As per claim 3, Khan discloses the electronic commerce system of Claim 1, wherein the directory structure is distributed between a plurality of computers. See, for example, at least references to public bookmarks and group bookmarks, as in Fig. 10.

As per claim 4, Khan discloses that the directory is coupled to the seller databases using the Internet. See, for example, at least Col. 1, line 25-Col. 2, line 26.

As per claim 5, Kahn **does not** specifically disclose that additional directory structures are organized using a different hierarchical, object-oriented classification system. Khan discloses one or more additional directory structures, each directory

structure comprising the same classes. See, for example, references to Group Bookmarks, Public Bookmarks, Fig. 10.

It would have been well within the skill of one of ordinary skill in the art at the time the Invention was made to include in Kahn that additional directory structures are organized using a different hierarchical, object-oriented classification system.

One of ordinary skill in the art at the time the Invention was made would have been motivated to include in Kahn that additional directory structures are organized using a different hierarchical, object-oriented classification system for the obvious reason that different classification systems, including object oriented systems, permit access to various other directory structures.

As per claim 6, Khan ***does not*** specifically state that a search query comprises a structured query language (SQL) query. Khan discloses that buyers may use GUIs (graphical user interfaces) to access relational databases such as Oracle, Informix and Sybase. Official notice is taken that structured query language (SQL) is a database sublanguage used in querying, updating and managing relational databases.

It would have been well with the skill of one of ordinary skill in the art at the time the invention was made to include in Khan the use of SQL. One of ordinary skill in the art at the time the invention was made would have been motivated to include in Khan the use of SQL for querying relational databases for the obvious reason that SQL is the *de facto* standard for database products.

As per claim 7, Khan discloses electronic commerce system of Claim 1, wherein the search query includes one or more attributes of the class selected by the one or more

buyers. See, for example, results of a query, as in Fig. 10; results that are retrieved based on a user's search query.

As per claim 8, Kahn discloses electronic commerce system of Claim 1, wherein the search query includes values for one or more desired product features specified by the one or more buyers. See, for example, at least Fig. 9 and related text, which disclose that a user may be queried as to what sales and marketing information he'd like to receive. See also references to keyword entries, as in Col. 12, lines 24-40.

As per claim 9, Kahn discloses electronic commerce system of Claim 1, wherein the search interface is further operable to receive search results from the one or more seller databases (see, for example, Fig. 10, results as in 1008 and 1010) each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query, the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the one or more buyers. See, for example, product data such as "special fare to NYC $150" from TRAVELOCITY.

As per claim 10, Kahn discloses 10 the electronic commerce system of Claim 9, wherein the electronic commerce system is operable to:

receive a selection from the one or more buyers of a product for which product data is included in the search results (see, for example, Fig. 10, item 1008); and

communicate address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the one or more buyers to communicate with the

seller associated with the seller database to conduct a commerce transaction relating to the selected product. See, for example, references to hyperlinks to websites on servers, as in programmable bookmarks, Col. 10, line 27-Col. 11, line 28.

Claim 11 is rejected on the same grounds as claim 1.

Claim 13 is rejected on the same grounds as claim 3.

Claim 14 is rejected on the same grounds as claim 4.

Claim 15 is rejected on the same grounds as claim 5.

Claim 16 is rejected on the same grounds as claim 6.

Claim 17 is rejected on the same grounds as claim 7.

Claim 18 is rejected on the same grounds as claim 9.

Claim 19 is rejected on the same grounds as claim 10.

Claim 20 is rejected on the same grounds as claim 1.

Claim 22 is rejected on the same grounds as claim 3.

Claim 23 is rejected on the same grounds as claim 4.

Claim 24 is rejected on the same grounds as claim 5.

Claim 25 is rejected on the same grounds as claim 6.

Claim 26 is rejected on the same grounds as claim 7.

Claim 27 is rejected on the same grounds as claim 9.

Claim 28 is rejected on the same grounds as claim 10.

Claims 2, 12, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan (US 6,460,038) in view of Notani (US 5,931,900).

Claim 2 is rejected as unpatentable over Kahn in view of Notani (US 5,931,900).

As per claim 2, Khan discloses the use of various protocols, as in Col. 7, line 22-Col. 8, line 67. Kahn ***does not*** specifically disclose that the directory structure comprises a lightweight directory access protocol (LDAP) directory. Khan suggests that significant reduction sin design and development can be achieved by use of various protocols.

Notani discloses the use of a protocol called LDAP. Notani discloses that various levels of name services may be provided via schemes that implement global naming schemes that allow entities to be uniquely defined on a global basis. See, for example, Notani, Col. 14, lines 23-44.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Khan and Notani to disclose that the directory structure may comprise an LDAP directory.

One of ordinary skill in the art at art at time the invention was made would have been motivated to combine Khan and Notani to disclose that the directory structure may comprise an LDAP directory for the obvious reason that LDAP provides a single tool to comb through data to find a particular piece of information, as suggested by Kahn, Col. 7, lines 22-Col. 8, line 67.

Claim 12 is rejected on the same grounds as claim 2.

Claim 21 is rejected on the same grounds as claim 2.

Response to Arguments.

Applicant's arguments filed 27 December 2005 have been fully considered but they are not persuasive.

Applicant appears to disagree that his amendments to claims 1-11, 16-20 and 25-28 require further search and consideration. Applicant also appears to disagree that his 28 pages of remarks require careful consideration. The Examiner respectfully disagrees and submits that applicant's comments and amendments merit careful and thorough review.

In response to applicant's repeated argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant appears to argue that Khan is not related to electronic commerce:

> The Applicants respectfully submit that Khan has nothing to do with amended independent claim 1 limitations regarding an "electronic commerce system for facilitating an electronic commerce transaction" and in particular Khan has nothing to do with amended independent claim 1 limitations regarding "a global content directory for providing a plurality of buyers access to a distributed plurality of seller databases, each seller database associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases". Rather Khan discloses a system for programming an internet browser bookmark for delivering information to a user. (Abstract). The internet browser bookmark in Khan is merely a list of browser favorites saved as links to connect the user with various saved websites. In addition, the user in Khan is not a buyer or even an interested party in purchasing or even potentially purchasing, anything from a distributed plurality of seller databases, instead the user in Khan is merely a passive, non-transactional individual seeking only content delivery from these linked websites. Thus, Khan cannot provide an electronic commerce system for facilitating an electronic commerce transaction or even a global content directory that is capable of connecting a

> buyer to a distributed seller database, since Khan does not teach, suggest, or even hint at anything more than a passive non-transactional user seeking content from linked websites that are not connected to or associated with a distributed seller database or any other type of distributed database. Page 13, lines 4-22

In response to these arguments, the Examiner respectfully directs applicant's attention to at least Fig. 10, item 1008, which discloses that a buyer, linked to one of multiple seller databases (e.g., Discovery tours; Lonely Planet, Delta Airlines, etc.), is able to BUY a displayed selection. See ***BUY NOW***. Emphasis added. This shows an "electronic commerce system for facilitating electronic commerce transaction" as in claim 1. Applicant's attention is also respectfully directed to at least Col. 13, lines 23-42, concerning ***E-COMMERCE***, short for ELECTRONIC-COMMERCE, commercial activity that takes place by means of computers connected through a network.[3] To buy is to acquire possession, ownership, or rights to the use or services of by payment, especially of money.[4] In the absence of a special definition to the contrary, the term is given its broadest reasonable interpretation. Applicant has not argued or shown that his definitions of ***commerce*** and ***buy*** are different from the ordinary meanings of the terms.

In contrast to passive objects (also described in Kahn, Col. 10, lines 54-61), Khan discusses how it implements web portals, as in Col. 10, lines 27-61. A portal is a web site that serves as a gateway to the Internet; it is a collection of links, content, and services designed to guide users to information they are likely to find interesting.[5]

Examiner cites particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are

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[3] Definition of e-commerce, MICROSOFT PRESS Computer Dictionary.
[4] Definition of buy (v.), MERRIAM WEBSTER'S Collegiate Dictionary.
[5] Definition of Portal, MICROSOFT PRESS Computer Dictionary.

representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

A "traverse" is a denial of an opposing party's allegations of fact.[6] The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 707.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art.

[6] Definition of Traverse, Black's Law Dictionary, "In common law pleading, a traverse signifies a denial."

In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03 Reliance on Common Knowledge in the Art or "Well Known" Prior Art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pond can be reached on 571-272-6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Zurita
Patent Examiner
Art Unit 3625
17 March 2006

James Zurita
Patent Examiner
AU 3625